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Train, Russell oral history interview

Don Nicoll

Interview with Russell Train by Don Nicoll

Summary Sheet and Transcript

Interviewee
Train, Russell

Interviewer
Nicoll, Don

Date
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Place
Washington, D.C.

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Biographical Note

Russell Train was born on June 4, 1920 in Jamestown, Rhode Island. He attended St. Alban's School in Washington, D.C. and was a member of the class of 1941 at Princeton University. After Princeton, Train received his J.D. law degree from Columbia University in 1948. He was a staff attorney at the House Committees in Washington, concentrating on taxation, from 1949 to 1956. The next year, Train became the head of the legal advisory staff at the U.S. Department of Treasury. In 1957, he became the youngest tax judge in the country, a position he held until 1965. Train has served on the Ways and Means Committee and was the president of the African Wildlife Leadership Foundation as well as the Conservation Foundation. In 1970, Train received an honorary degree from Bates College. He was the first chairman of the U.S. Council on Environmental Quality and headed Richard Nixon's task force on the environment. In 1973, Train became an administrator for the Environmental Protection Agency, a position he held until 1977. The following year he became the CEO of the World Wildlife Fund, where he served until 1985. Since then, Train has been involved with many environmental protection and conservation programs.

Scope and Content Note

Interview includes discussions of: Train's personal background; Conservation Foundation;

National Environmental Policy Act (NEPA); working in the Department of the Interior; Council on Environmental Quality; his working relationship with Ed Muskie; working with the Environmental Protection Agency (EPA); Watergate's effect on environmental politics; Muskie's temper; major environmental accomplishments; and receiving an honorary degree from Bates College.

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Transcript

Don Nicoll: This is Tuesday the 4th of May, 1999. We are interviewing Russell Errol Train, R-U-S-S-E-L-L, Errol, E-R-R-O-L, Train, T-R-A-I-N at the World Wildlife Fund in Washington, D.C. The interviewer is Don Nicoll, N-I-C-O-L-L. Mr. Train was born June 4th, 1920 in Jamestown, Rhode Island the son of [U.S. Navy Rear Admiral] Charles R. and Errol C. Brown

Train. He was educated in Washington at St. Alban's School, received his bachelor of arts from Princeton University in 1941, and his J.D. law degree from Columbia University in 1948. From 1949 to 1956 he was staff attorney for several House of Representatives committees in Washington, concentrating on taxation. He was in 1956 and '57 head of the legal advisory staff at the U.S. Dept. of Treasury. In 1957 he became the youngest tax judge in the country and served in that position until 1965. Nineteen sixty-five to 1969 he was president of the Conservation Foundation. In 1969-'70 he was Under Secretary of the Interior. 1970 to 1973 he was the first chairman of the U.S. Council on Environmental Quality, from 1973 to 1977 administrator of the Environmental Protection Agency, and from 1978 to 1985 CEO of the World Wildlife Fund. He has subsequently been involved in a number of environmental protection and conservation programs.

Mr. Train, you were first directly officially involved in the conservation and pollution control or pollution abatement efforts in the 1960s when you were president of the Conservation Foundation. Perhaps you can tell us how it came that a tax lawyer, who had a distinguished career both on Capitol Hill and the administration and then in the tax court, moved to such an active role in conservation.

Russell Train: Well, like a lot of those things I think it's probably hard to think of any really truly rational explanation. It happened that way. I think that important influences that pushed me in the conservation-slash-environmental direction were two trips, two hunting safaris in Africa: one in 1956 when I was still with the Ways and Means Committee. I think I was no longer clerk of the Committee at that time, but, or "chief counsel" I guess in the present parlance, but we called ourselves "clerk" then and were proud of that title. I think I was minority advisor in '56 and then again in 1958 when I was actually a judge of the United States Tax Court. Those were two life-changing trips, I guess of about a month each in east Africa. And the motivation was hunting and I think I pretty well got my fill during those trips; I haven't done anything quite like that again.

But I became very interested in the future of wildlife in Africa particularly. At the time of my visits, along with my wife (who did not hunt, I might add), at that particular time was a time of change in Africa. Colonial governments were giving up control of their colonies and national governments were taking over (*aside - having a little trouble with the tubes here this morning if you don't mind*). And following quite well after 1958, around 1961, I and a group of about four other friends established something called the African Wildlife Leadership Foundation to pursue the subject of conservation in Africa. And our decision was to pursue that goal through a principal focus on training Africans through education at all levels to develop the capabilities, in order that they would have the capability of managing their own wildlife resources. That was the whole purpose of the effort behind the establishment of the African Wildlife Leadership Foundation.

And I was then a judge of the tax court and I did all this necessarily in my spare time. But I was the chairman and president of the African Wildlife Leadership Foundation and essentially I think for the next several years ran that organization in a very personal way. Then, when I resigned from the court in 1965 to become president of the Conservation Foundation, I established the African Foundation in the same offices so I could continue to work on that side of the street and

also began to hire a small staff to pick up some of that particular workload.

DN: Was your primary focus at that time, both with the -- obviously with the African Wildlife Fund, but also with the Conservation Foundation -- on conservation of animals and plants, flora and fauna?

RT: No, the Conservation Foundation really had a, I'd say a broader, a broader mission than wildlife. It did occasionally get into, particularly given my personal interests, we got into wildlife issues occasionally but during my time there it was . . . Let me back up a moment. The Conservation Foundation had been established by Fairfield Osborn back in the late '40s. He was at that time and for many years afterwards was the president of the New York Zoological Society. And the Conservation Foundation was established by him, as I always described it, to provide a vehicle for his good interests that went well beyond running a zoological park and included human population issues, pesticides, the Rachel Carson kind of activity. He was a very broad gauged guy and that was sort of the . . . and ecology I should add, in a broad sense. When I became president of the Conservation Foundation, and moved it to Washington, I might add, in '65, our vice president, or one of our vice presidents was Frank Frazier Dowling who was at that time probably the world's senior ecologist. [He was] an Englishman; he lived in Britain and visited our headquarters a couple of times a year for several weeks each time.

But that gives you a bit of an idea of the background of the Conservation Foundation. During my time there, which stretched from the fall of 1965 until the end of 1968, a relatively short tenure, our emphasis was on trying to build environmental factors and ecological factors into development activities, and principally on land use. And we had a number of demonstration projects, such as along the west coast of Florida, designed to establish how development could be carried out with minimum disturbance of the environment and with a maximum building-in of ecological values. That was the thinking of Ian McHarg[1] for example, of the University of Pennsylvania. And the Conservation Foundation at that time funded his work, which produced a book called Design with Nature, which was quite a seminal book on landscape planning and how to accomplish that and at the same time protect ecological values. So that was sort of the principal focus -- I don't -- of the Conservation Foundation's work at that time. It was not, I would say, dir-, it did not tend to be directly pollution-oriented although I presume we got into issues of that sort from time to time.

DN: If I recall correctly, you had some economists on your staff who were examining issues related to environmental protection laws and economics.

RT: Well, your memory is better than mine. I don't really recall anybody that I would describe in that fashion. We might have brought some consultants in from time to time in that field but I don't recall that.

DN: My memory may be very faulty.

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[1] Ian L. McHarg, born in Scotland, 1920; British army 1939-46; graduated Harvard 1950; combined landscape architecture with ecology; author of several works.

RT: The staff, you know the staff was very strongly ecological in its background and doubtless we should have had some economists on the staff. But we didn't; it was a small group. It was really a, quite a small operation at that time and it grew somewhat later on.

DN: How did you come to support Ian McHarg's work? Had he come to your attention before, or . . . ?

RT: We were working quite a bit with planning, individuals from the various universities. McHarg, and I'm trying to think of some other names and they don't come to mind readily, who came in as advisors. And the whole field of landscape planning had a direct relevance to development planning more generally. And we just became acquainted with those people, and McHarg was clearly a major figure in the field. And I got to know him personally quite well.

DN: He was a distinctive personality.

RT: He was very definitely a distinctive personality. He was a great communicator.

DN: Now when you left the Foundation you went to the Department of the Interior as Under Secretary.

RT: That's correct. I would just add one sort of transitional factor. We became, and I say we, the Conservation Foundation, we became engaged with the Senate Interior Committee, which of course did not include Ed Muskie, in the development of what became the National Environmental Policy Act, NEPA. And this was a by-product perhaps, or a principal by-product of our work on development planning and how you built environmental factors and values into that. And a former secretary of the Conservation Foundation and one of its principal professional staff, Wallace Bowman, had left the Conservation Foundation and was working with the Legislative Reference Service at the Library of Congress. And he became closely involved with the staff of the Senate Interior Committee on similar issues. And I think it was probably his recommendation that brought the Conservation Foundation into this situation. And indeed when the Interior Committee wanted to hire an outside consultant, whose name was Keith Caldwell. His first name actually was I think Lynton, L-Y-N-T-O-N Caldwell, but he was always called Keith, which may have been a middle name. I'm not sure. And he had been for quite some years on an advisory council of the Conservation Foundation. We were asked whether we would fund his consultancy with the Interior Committee and we did. Quite what the mechanism of that was I'm not sure. But Caldwell became a principle architect of the National Environmental Policy Act as it finally, finally was enacted, and I think was probably the author of the Environmental Impact Process, Analysis Process. So that, that sort of got us involved at that stage, and I don't want to overstate that role, but we did have a number of conversations with the Committee staff at that time.

DN: During that time when you were working on NEPA and supporting Mr. Caldwell's work, did you have any encounters with Ed Muskie or were your involvements more in relation to other members of the Senate?

RT: I don't really remember having any contacts with Ed at that time.

DN: Were you dealing primarily with Senator [Henry "Scoop"] Jackson?

RT: It was primarily Senator Jackson and his immediate staff whose names I'm trying desperately to remember at the moment, because I knew them quite well.

DN: But this was a focus on development, as you put it, with an ecological value taken into account. And you were not directly involved, during the sixties at least, with the whole question of water pollution or air pollution?

RT: That's correct; I really was not.

DN: So, at Interior, what were your primary focuses as Under-Secretary?

RT: Now let me just add one more thing that may be of, does not relate to Ed Muskie, but in the late sixties following the Nixon election in November '68, he set up a whole variety of task forces on various program areas such as space exploration, defense, taxation, etc., and I was asked at that time to head a Task Force on the Environment. It's what it was called. And I did. And we issued a, rather a short report. And the principal, the principal thrust of our recommendations, which were fairly brief, were to . . . the administration should provide budget and budgetary and other support to such environmental laws that were then on the books, which would have included the, what is it, the Water Pollution Control Act of 1965 I guess at that time. And perhaps more importantly we called for the establishment of a, some sort of a focal point in the White House proper for environmental policy advice to the President, which could be seen later as being carried out by the Council on Environmental Quality.

Going back to your question about Interior: of course Interior included the Federal Water Pollution Control Administration at that time. My responsibilities as Under-Secretary tended to run across the whole gamut of Interior's jurisdiction, which was, and I guess still is, very diverse, ranging from Indians to oil policy and energy in those days; not today. I had principal responsibility for developing the department's budget and for leading its legislative program. So those were my two big portfolios and they covered practically everything in the agency, in the department. But I was only there a year, you know, and Hickel and I came to sort of a, the secretary, Walter Hickel, and I came to a parting of the ways. It was no longer a good fit and I moved on. I don't want to get ahead of you.

DN: No, that's fine. The, and during that period of 1969-70 when you were at Interior, your primary relationships on the Hill, I presume, were still with the Interior Committee and with Appropriations.

RT: I think that probably is true. With our water responsibilities, it would seem logical that I might have had some sort of legislative interface with Ed Muskie and his subcommittee and committee, but I don't recall that. And I don't . . . We had an assistant secretary for water quality, I think. He probably was the one that handled that. And then a much younger chap who was administrator of the Federal Water Pollution Control Administration, David Dominick, a

very energetic bright young guy . . . I have a feeling they handled most of that and I didn't play a major role in that legislation.

DN: And you moved, after your disagreements with Mr. Hickel, you moved to the Council on Environmental Quality. That was a new venture for the government.

RT: It was, and I went as its first chairman, joined by two other members of the council. And in fact our first office was my office as Under-Secretary; we still didn't have any place to go at that time. That didn't last very long: about a week or two, I think that was the situation.

DN: In the council, what from your point of view were the major challenges undertaking this new effort?

RT: Well we had, I guess the, we had a number of challenges. The first challenge,(I'm not, I don't want to rate these in order of importance or magnitude but just as they come to mind), was the putting together of an annual environmental message to the Congress for the President. And we can come back to that. That became the, say the principal vehicle for the development of the council's role, both with respect to the White House and with respect to the other federal agencies. The other one was the, another challenge was the job of carrying out the mandate included in the National Environmental Policy Act for environmental impact analyses to be done by federal agencies with respect to any major project and what's its impact on the environment. And there were no guidelines; no rules as to what really what all this meant and who was supposed to do it. And there was an effort made at one point by some of the agencies to have that, the responsibility for doing the actual analyses put on the council, which would have been manifestly impossible. And we succeeded in beating that off and we developed and promulgated a set of guidelines, obviously in close consultation with various government departments, agencies, and then monitored the agency performance, each agency's performance under those guidelines. Well that was a big job and . . .

DN: How large a staff did you have?

RT: We actually got as large as fifty-four at one time and that was the size of the staff of the Council of Economic Advisors. And I was told we couldn't have any more than they did, [*laughter*] so that was our high water mark. I think I was pushing for seventy some but, probably around 1973 or so. And of course the Council staffing has gone down ever since and that sort of high water mark. And I think today it's suffered over time, and still suffers badly from lack of adequate staffing.

DN: Now the environmental impact statements and the whole requirement was a source of some controversy in the Congress as well as outside. You talked about fending off efforts to make you responsible for actually doing the analyses. Did you get some of that pressure from the Congress too?

RT: I don't recall that. I'm not sure we did. I think this was sort of some behind-the-scenes maneuvering within the bureaucracy.

DN: And at that time did you start to have more of a working relationship with Ed Muskie?

RT: We had a regular relationship with Ed Muskie in part because he had, he had sponsored and Congress had passed legislation which was on sort of a parallel track with the National Environmental Policy Act. And his legislation, I'm groping for its name, it was probably the National Environmental something Act, maybe Protection Act, I'm not sure . . . It called for the establishment of an Office of Environmental Quality and not a council. And we in effect were the, were the office as well as the council, although I'm not sure whether that was legally quite correct. But Ed accepted us as such, but this required that he have oversight hearings occasionally, maybe once a year I guess, of what we were up to, to both assert and to preserve the jurisdiction over these issues.

And . . . but I think the . . . I'm trying to think how much of a role the council really played in . . . We developed a lot of policy; we developed extremely comprehensive presidential messages, with a very impressive array of environmental initiatives. But these would generally speaking be the, fall within the jurisdiction of particular agencies, departments. And I think they were the ones that generally speaking carried the ball as far as legislation on the Hill was concerned. The Clean Air Act Amendments of 1970, for example, I had absolutely nothing to do with. Much of that work had been done while I was still Under-Secretary . . . the . . . of Interior where we had no air quality jurisdiction. When I went to CEQ very early in 1970, the White House had completed work on its proposals for air quality legislation and I played no part in developing that.

And that led to a sort of a, entertaining now as I look back on it, but embarrassing at that time, situation where I think about the first day after I'd been sworn in as chairman of the Council on Environmental Quality, I accompanied the President out to Chicago along with Haldeman[2] and quite a potent group to meet with the five Great Lakes governors and we did. And sitting around the table at that meeting I was sort of the new boy on the street, so the President sort of promoted me a little bit to the group. He was sitting on that side of this great round table and I was on this side of the table facing him and he said, "Now Mr. Train, please explain the provisions of the new Clean Air Act Amendments of 1970," and I think I looked absolutely blank. I didn't have a clue what was in the Act; I'd never seen it. I hadn't been briefed on it at all; I'd only been told I was going on this trip probably the day before, so I was totally, totally unprepared. And John Ehrlichman[3] leapt into the breach. He saw my dilemma, and John did a very good, effective job of taking the heat off me on that and explaining the Clean Air Act Amendments of 1970. But that was sort of a, as I say it's entertaining to look back on, but it was a mess at the moment.

DN: A lesson in presidential patterns.

RT: I don't think that . . . ah . . . One of my confirmation hearings, I think it may have been as chairman of the Council, Ed Muskie was invited by Scoop Jackson to join him and to sit with the

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[2] H.R. Haldeman, Assistant to President Nixon.

[3] John D. Ehrlichman, Assistant to President Nixon for Domestic Affairs.

Senate Interior Committee. They had jurisdiction over my confirmation, but Muskie sat in on that and I think that he was not the only non-Interior Committee senator. I think that Magnuson[4], who would have been chairman of the Commerce Committee, I think was also in that hearing. I used to have a picture around somewhere and I could probably dig it out; I don't see it on the wall. It showed Ed Muskie on the dais of those hearings. Maybe when we're through I'll take a look in the back room. But that was a good recognition of his role and interest in the whole field and I think it helped maintain comity and a good situation there for us at least.

DN: Your approach to conservation and environmental protection had been at the Conservation Foundation. And I assume coming into the Council on the whole environment, the ecological concerns and development . . . And you came with, if I may use that tired term, you came at it holistically. But you were dealing with people who were focusing largely on individual problems, whether water pollution or air pollution, and later problems of toxic waste disposal. Was this, (1), a problem for you in approaching the legislative process, and (2), do you recall dealing with the lack of an overview something that you wanted to change?

RT: You mean should we have had a joint committee on the environment or something like that?

DN: I'm not thinking so much of what the solution should be, but the difference in approaches that you confronted.

RT: Well, it became an extremely diverse and scattered field. I mean they, the principal areas were such as air and water pollution. But we found ourselves in tax policy and we were promoting a sulphur emissions tax on the Council at one point, and we also proposed a tax on leaded gasoline and those involved hearings in the Ways and Means Committee. And I remember testifying on those matters before Ways and Means. I think they may have invited me up just for old times' sake; I'm not sure. Anyway, the proposals never got anywhere. And then our National Land Use Policy proposals . . . I forget what committee had jurisdiction, but they never even had a hearing. And that was something that Nixon proposed in two different Congresses, and as I said, it never got even to the hearing stage over those years. So we were really, were all over the lot . . . . And surface mining regulation, that sort of thing; whole 'nother field. I think that was probably in the Commerce Committee. The juris-, the Congressional jurisdictions were so scattered. I think I added it up at one time, there were some fifty-four, when I was at EPA, some fifty-four different committees and subcommittees that I'd had to testify before during the previous year. Of course I think it's only gotten worse since then.

DN: Each member has his own subcommittee.

RT: That's right.

DN: Excuse me, I 'm going to stop.

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[4] Warren G. Magnuson, Senator from Washington; member of the Commerce Committee.

End of Side One
Side Two

DN: Resuming on the second side of the tape, Mr. Train has just been talking about the multitude of committees with which he had to deal both at the Council on Environmental Quality and at the Environmental Protection Agency. You moved from the Council to the EPA in 1973?

RT: That's correct.

DN: And this was a tumultuous time in terms of Washington politics. Did that affect the agency itself?

RT: I suppose necessarily it did. I gave an interview at one point in the, while I was at EPA, to a *Wall Street Journal* reporter, and I'm not sure this was ever included in his article or not; I can't remember. But he asked me whether the whole Watergate mess had . . . Oh I think he made a statement to me that he'd heard from a number of different agencies that the whole Watergate matter had interfered quite substantially with their normal routine in carrying out of their responsibilities and asked me how it affected EPA. I said, I suppose somewhat facetiously, I said, "Well, in some ways maybe it's the best thing that's ever happened to us, because nobody's paying any attention to what we're doing here. The White House is not looking over our shoulders; it's preoccupied with its own problems", which was really very true. And I suspect it gave us a freedom of action that we wouldn't perhaps otherwise have had. I'm not sure of that, but it's very possibly true.

DN: Now during that period, when you went to EPA, you were dealing quite directly with the Senate Subcommittee on Air and Water Pollution, and I presume at that time you got to know Ed Muskie a lot better.

RT: I did.

DN: What was the nature of the working relationship?

RT: Of course this doesn't involve Ed so much, but my confirmation hearing in the Senate Public Works Committee would have been in June, I think, of 1973. And a member of the, Republican member, Scott, William Scott[5], of Virginia, put a hold on my confirmation in the Senate and Clifford Hansen[6], senator from Wyoming also put a hold on my confirmation. I always took a rather dim view of the second, because Cliff was always a friend of mine and I'd known him quite a while in Wyoming and in Washington. The Scott hold came out of the hearing before the Public Works Committee, and he fussed at me for describing myself in my "Who's Who" biography as, I think it said either an "environmentalist" or "conservationist". I

[5] William Lloyd Scott, U.S. Senator from Virginia 1973-1979.

[6] Clifford P. Hansen, U.S. Senator from Wyoming 1967-78.

really never paid much attention to what the description was. But he said, "Weren't you a federal judge?" I said, "Yes". He said, "Are you embarrassed to have been a federal judge? Why don't you list that?" Well, so that was sort of the nature of his inquiry, but I think he was representing a very conservative constituency somewhere that pushed him to put a hold on me. And I think Hansen was putting a hold on me at the behest of the coal industry out in Wyoming; didn't like my activism with respect to surface mining rehabilitation.

And also while I was at Interior the coal mine health and safety legislation, which a number in the administration, including Arthur Burns[7], were opposing. And I supported it and so did Hickel. So I think those things were, added up to my problems with the coal industry. So I didn't get confirmed until sometime in September. I don't know what broke the logjam, but of course nowadays I think it was a terrible thing to have done to me, hold me up for two or three months. Today I think you're lucky if you get a confirmation hearing within a year or two of the time of the announcement of the nomination. Now, I've gotten away from . . .

DN: No, this is, you were held up by two members of the Senate who were apparently moved by, probably the coal industry in large part. Were you getting active support from other members of the Senate on both sides of the aisle?

RT: I was pretty strongly supported as far as I know. I had, other than Scott, I don't think I had any problems in the Senate Public Works Committee. Senator Randolph[8] was always a very friendly person as far as I was concerned; always very helpful to me. And I liked him, respected him. And Muskie I don't think I had any problems with at all at that, in that period. Never really did.

DN: The . . . I can add by the way that there was always within the [Muskie] office a very friendly attitude toward the Conservation Foundation and you dating back to the 1960s, and Ian McHarg was highly regarded and followed in a number of cases by us.

RT: Now that's interesting.

DN: The. . . You came in. There had been some controversy over your appointment, and then you were overseeing the EPA, administrating the EPA at a time of considerable turmoil still in the environmental legislation, particularly pollution protection legislation. What was your impression at that time of the Public Works Subcommittee on Air and Water Pollution and how the members of the two parties functioned together?

RT: You know, I think it really was an extraordinary example of leadership on both sides of that committee; Howard Baker on the Republican minority side, Ed Muskie on the majority side. I practically never was aware of what I would call a partisan fight within that group. There may

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[7] Arthur F. Burns, Chairman of the Federal Reserve System Board of Governors; and member of the National Advisory Council on International Monetary and Financial Policies.

[8] Jennings Randolph, U.S. Senator from West Virginia 1958-1985; Chairman of the Public Works Committee.

have been differences, but they almost always got resolved by discussion and compromise, reasonable, reasonable compromises within the group. And I would say that it was the best example of bipartisanship that I ever remember running in to. And I probably knew the individual members on the Republican side better since I was with the Republican administration. I knew Ed Muskie as well as I knew them but I don't recall the other members of the subcommittee particularly. I think perhaps Biden was perhaps there then. They didn't really play a very major role I would say, but Ed was really the name of the game and so that may be the explanation for that. If I took a look at a list of the members I probably would have other memories but . . .

DN: I think Senator [Daniel K.] Inouye[9] [of Hawaii] was on the committee at that time.

RT: I just had no association with him at all. But on the Republican side, Howard Baker I had a very close relationship with and found him enormously helpful and able to project a reasonable spirit with his colleagues: Domenici[10] who I got along with fine; Jim McClure[11] from Idaho would have been more difficult I think if he'd been on, if this had been the Interior committee because we would have dealing with issues closer to home in Idaho where most of the pollution issues were, and . . . Never had any problems with Jim. Jim Buckley had been a close friend of mine, personal friend and he was an extremely supportive member and despite his very conservative credentials. I guess Scott, I forgot Scott, Scott was typically not helpful, but I really didn't have many dealings with him once I got confirmed. I don't know how much longer he lasted on the committee because he died not long after that, I think.

DN: What was it like working with Ed Muskie?

RT: Well, he only really lost his temper at me once I think, and I never was sure whether it was for real or was for show; I couldn't quite make out. I think a little bit of both because the issue was not, I mean it wasn't my, what he was angry about really wasn't what I was doing.

We met in a, I guess his little hideaway office there in the Capitol Building somewhere; I wouldn't have a clue where that was now. It was a little cubby hole as I remember. And I think it was over Section 404, Water Pollution Control Act, (hope I have that number right), and this had to do with the development of wetlands and the Corps of Engineers' responsibilities. And it was always a contentious issue and my recollection is that at some point prior to this meeting the House had passed Ed's water quality legislation. Maybe this was 1972. I'm not sure . . . ah . . . one version of Section 404. And the Senate in developing its version of the legislation agreed to a wholly different Section 404. And in conference the two houses could not agree, so what they did was put them both in. At least that's my recollection [*laughter*]. And so I as EPA administrator was charged with [the] responsibility for administering both sections,

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[9] Daniel K. Inouye, U.S. Senator from Hawaii, 1963Cpresent (2001).

[10] Pete V. Domenici, U.S. Senator from New Mexico, 1973Cpresent (2001).

[11] James A. McClure, U.S. Senator from Idaho, 1973-1991, chairman of the Committee on Energy and Natural Resources.

even though they conflicted with each other.

And I guess that we had carried out the mandate included in the, or followed in the construction of the House provision on some occasion, and he called me up and got me up there and gave me hell. I was violating the law. I was. I was violating the law of the Senate by following the law of the House and it was a ridiculous situation. My memory of it may not be entirely accurate but that was, that's the only time I remember him getting quite red in the face.

DN: What happened after the conversation or at the end of it?

RT: I think we probably broke up in very friendly fashion. I mean, I always had a very friendly relationship with him. And I don't . . . he probably didn't always agree with everything the administration was doing but I don't think he blamed it on me personally so much, although I was obviously the front man for him to deal with. I think that, by and large, he felt that the administration was not doing badly in his field. I never talked to him really about that because it was a touchy political matter. And I don't think there's any question that a part of Nixon's motivation in a number of his environmental initiatives was finessing Ed Muskie and, which of course was fine by me. Not to see that Ed was finessed, but the fact that the White House had a motivation to take a strong line on environmental matters, which by and large they did. I mean, given the, looking at the record of succeeding administrations and I would say, including the current one, I think the White House then took an extremely positive, constructive role in the environmental area.

Although you came into these ridiculous situations such as the signing of the Clean Air Act Amendments. Leon [Billings] tells me it was the Clean Air Act Amendments of 1970 that Muskie was not invited to the signing of, but . . . it may be, I guess that could have been the case. I probably, it didn't, those amendments that I was asked to describe out in Chicago in January probably did not become law until much later that year, so that very likely was the case. And I remember the day of the signing by the President, and one of these things that Leon sent over to me a few days ago, after I talked with him, is a picture of me standing behind President Nixon as he signs the 1970 Clean Air Act and I'm the only person visible with Nixon. It says the author, that is of the Act, was not invited. That was Muskie. And, you've probably seen that (*showing photograph*).

DN: Yeah, that was a, 1970 was a very touchy time in terms of the White House and Ed Muskie. Come off the 1968 campaign in which Muskie had distinguished himself as the vice presidential candidate and Muskie was regarded as the front runner for the 1972 election, at that time, or nomination.

RT: Well I did a press briefing after this signing, as I remember, and I was asked by the press if I didn't think it was odd that Senator Muskie hadn't been invited. And I don't know exactly what I said, but I, the truth of it in effect, I said "Yes, I think it's a little bit strange" or something of the sort, or "It's odd", or "I would have invited him," or something like that.

DN: Now during this period you had dealings with Ed Muskie on legislation and administration of the Act. You've described one of the principal encounters. Either during that period or later,

did you ever have a chance to sit down and simply talk about your respective philosophies of government or of environmental protection?

RT: I don't think so. I don't remember. I really wish we had but I don't think I ever did. I always wanted to do that with Nixon after he retired and I kept putting it off, putting it off and of course pretty soon he was dead. And I can say the same thing about Ed. And that's, one should grab those opportunities when you can. I used to see him a bit after he ret-, when he retired as Secretary of State. We were on some kind of a committee together and I used to see him. He died not too long after that. And we had, it couldn't have been a more pleasant association but I don't remember any philosophical conversations at all.

DN: As you look back on that period and restrict ourselves to your time with the Council and with EPA, what for you were the major accomplishments and what, by both the administration and by the Congress, and what were the major disappointments?

RT: I think the accomplishments were, you can hardly make a list of them, they were legion in those times. Of course a lot of them were not necessarily enormously significant. I mean, as far as significant things are concerned, I think the Clean Air Act of 1970 and the imposition of national standards; that was a huge step forward. Now, reading, well I haven't talked to Leon about this; we're going to have lunch one of these days when we get around to it. He says the national standards were Muskie's baby. My recollection is that this was an administration initiative and that it took a while to sell Muskie on national standards and he preferred the state route. And, but at this stage I, my memory is not good enough to know whether that's an accurate picture or not.

But without trying to claim credit for either the Congress or the administration separately, obviously both are entitled to credit on most of this, or a great deal of it. I think as national standards, I think the auto emission standards, which probably were principally a product of Ed's leadership, I think in his subcommittee; I'd say that was key. And obviously the water pollution control amendments in '72 which I gather Nixon first vetoed and passed overwhelmingly over his veto. I tried to look back into some of my own stuff to see why he vetoed that and I don't find anything. I don't know what the reason was. But I don't recall any very bitter difference between the Congress and the White House policy at that time. I'll have to ask my friend Bill Ruckelshaus[12], he probably remembers. He remembers everything a lot better than I do. The, I think this came a little bit after those years, but the Toxic Substances Control Act I always felt was a major accomplishment. And, you've seen this?

DN: Yes.

RT: The environmental record of the Nixon administration, I've got a reprint also . . . *[moved away from microphone, looking for docs*]. There's another one where I saw in reading some of this material that Leon sent me that the credit is claimed for Muskie. And that one I'm sure of

[12] William ABill" Ruckelshaus, Republican who was the Administrator of the EPA under Nixon (1971-73) and later Reagan administrations; Asst. Attorney General, Justice Department,during Watergate.

because it started in my own office when I was still, when I was first chairman of the Council on Environmental Quality and still in my offices at Interior so it had to be January 1970. And my staff was about three, two, and mostly transplants from Interior, so we were all very comfortable in the same place. It was the time of the mercury in swordfish scares and we sat down and talked about it. And we reached a sense that instead of reacting to one individual scare after another, there ought to be a comprehensive systematic way of dealing with toxic problems of this kind. And when we got over to our final CEQ offices on Jackson Place and began to build a staff in that; one of the first people we hired was Clarence Davies, known as Terry, Terry Davies, from the Princeton University faculty. And he wrote the Toxic Substances Control Act which the Nixon administration submitted to the Congress. Of course it went through some changes obviously and I don't think it was finally enacted until the Carter administration. I'm not totally sure of that. But that's one I think of we did have some responsibility for and I think that was an important accomplishment. Oh, there were a lot of them.

I think that one of the big disappointments probably was, (this didn't involve Ed in any way, but) the failure to make any progress on land use issues. A lot of reasons for that; the country really wasn't ready for it basically. And we perhaps didn't approach it very wisely. But still I think in '73 and '74 there were, with the Arab oil embargoes and the appointment of various energy czars by the White House, it came to be one more conflict between, was a seeming conflict between environment and energy requirements. And it was, became sort of a constant struggle. I guess I would then have been at EPA . . . but of a constant struggle to ensure that environmental standards weren't rolled back in the name of energy sufficiency. And I think that looking back on it that, given the opposition we had, that we really pretty well held our heads up. And there were a lot of tough meetings in the White House but I don't think we ever gave very much. I don't think there ever was any general, well I know there never was any general roll-back of environmental requirements. So I think that was a success, but, an important success. But it's a, with a more mixed picture, hard to define it exactly. Well, those are some items.

DN: Just a little footnote on the question of . . .

RT: I think we ma-, we put, but this is more the CEQ, we really put the environmental impact process into effect and was able to bring the various agencies somewhat to heel who didn't want to comply. Interior was one of them. Interior fought like hell to not do an environmental impact analysis with respect to offshore oil leasing. And despite our urging them to, and they got . . . It ran into an injunction in the courts. That's where citizen action really helped. And there was a move in the Nixon administration to limit the tax deduction, tax exemption status of environmental law firms. And we played an important role in stopping that at CEQ but, not a public one. It never came about. I'm beginning to ramble a bit.

DN: One little footnote, and I, I wondered when I saw in your biography that you had received an honorary degree from Bates College in 1970, Ed's *alma mater*, whether you knew whether he had anything to do with that and was he present?

RT: I don't think he was present and I'm not aware that he had anything to do with it. But he could well have, you know. He could well have because our relationship was such that he could easily have done that. Except, that was early days, what was that, 1970?

DN: Nineteen seventy [1970].

RT: Yeah, we probably didn't know each other all that well then. Maybe he, that would have been a little premature for him to do that, I think. I got a lot of honorary degrees that year. And I think I, environment was big on the campuses and I was probably about the only government official that could be seen on the campus platform without being stoned, so. I remember that commencement; I remember sitting on the platform as these seniors came up to get their diplomas. Half of them didn't have any shoes or socks on; they were bare-footed, you know, with their black robes and these bare feet sticking out of it. Those were funny days.

DN: Shoes or lack thereof have become the symbol of protest at the commencements.

RT: I guess that's right.

DN: Well thank you very much; this really was very . . .

RT: I really haven't done much for you.

DN: Oh yes you have.

RT: Let me take a look for that picture . . . just for curiosity . . .

End of Interview